

The articles were also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1128.

**DISPOSITION:** June 26, 1943. The Bates Laboratories, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be relabeled in compliance with the law, under the supervision of an employee designated by the Federal Security Administrator.

**6788. Adulteration and misbranding of C<sub>2</sub> Minnrell. U. S. v. 12 Jars of C<sub>2</sub> Minnrell. Default decree of condemnation and destruction. (F. D. C. No. 9501. Sample No. 37909-F.)**

**LIBEL FILED:** March 25, 1943, Northern District of Indiana.

**ALLEGED SHIPMENT:** On or about October 13, 1942, from Minnrell, Inc., Des Moines, Iowa.

**PRODUCT:** C<sub>2</sub> Minnrell: 12 jars, each containing 1 pound, at Fort Wayne, Ind.

Examination disclosed that the product consisted essentially of lactose, dried whey powder, and mineral salts, and that it contained 12.7 percent of calcium as calcium oxide, 17.0 percent of phosphorus as phosphorus pentoxide, and small quantities of salts of iron, aluminum, manganese, magnesium, sodium, and potassium. The product was represented on its label to possess, in each teaspoonful, approximately 1 gram of calcium, 1 gram of phosphorus, and 10 milligrams of iron, in addition to other mineral elements, whereas it was more than 50 percent deficient in the represented amounts of calcium, phosphorus, and iron.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (1), valuable constituents, calcium, phosphorus, and iron, had been in whole or in part omitted, since the article did not contain the represented amounts of calcium, phosphorus, and iron.

Misbranding, Section 403 (a), because of false and misleading statements on the label of the article and in the circulars entitled "Why C<sub>2</sub> Minnrell?", "Drink a C<sub>2</sub> Minnrell Cocktail," and "Starvation No Matter How Much You Eat," which accompanied the article while it was in interstate commerce in the possession of the consignee and thereafter, and which represented and suggested that use of the article would be effective in preventing colds, excessive nervousness and fatigue, sleeplessness, loss of appetite, common disorders resulting from mineral deficiency, retarded growth, poor development of hair, nails, bones, and teeth, dental caries, poor utilization of iron, decreased hemoglobin and red blood cells, lack of vitality, rickets, excessive bleeding, heart atony, tetany (convulsions), hyperirritability, loss of body weight, digestive disturbances, poor water retention, salt hunger, miners' cramps, achlorhydria, anemia, muscular atrophy, scaly skin, bush sickness, weakness, impaired respiration, perverted appetite, irregular heart action, subnormal basal metabolism, enlarged thyroid gland (goiter), lowered mental activity, overweight, pallid complexion, vasodilatation, spasticity, rapid heart beat, arrhythmia, perosis, dermatitis, deficiencies related to insulin, inflammation of the skin, and abnormal suppuration; that such symptoms, diseases, and conditions were the result of consumption of ordinary foods lacking in minerals; that the product was of nutritional significance because of the presence of manganese, cobalt, copper, zinc, magnesium, chlorine, sulfur, potassium, sodium, and silicon; and that the article was a balanced mineral supplement, the use of which would insure proper mineral balance in the body and thereby result in vigorous health. The article would not be effective in preventing the symptoms, diseases, and conditions mentioned; such symptoms, diseases, and conditions were not the result of the consumption of ordinary foods; the article was not of nutritional significance because of the presence of the above-mentioned minerals; and use of the article would not insure proper mineral balance and vigorous health.

Further misbranding, Section 403 (j), the article purported to be and was represented in the circular entitled "Why C<sub>2</sub> Minnrell?" as a product for special dietary uses by reason of its mineral and riboflavin content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of iron, iodine, calcium, phosphorus, and riboflavin, and the quantity of magnesium, chlorine, sulfur, potassium, sodium, and silicon furnished by a specified quantity of the article when consumed as directed during a period of 1 day.

DISPOSITION: April 28, 1943. No claimant having appeared, judgment of condemnation was entered and it was ordered that the product and the circulars be destroyed.

**6789. Misbranding of candy. U. S. v. 7% Cases of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 11910. Sample No. 65559-F.)

**LIBEL FILED:** On or about March 8, 1944, District of Oregon.

**ALLEGED SHIPMENT:** On or about January 29, 1944, by the Evans Novelty Co., from Chicago, Ill.

**PRODUCT:** Candy: 7% cases, each containing 48 1-pound packages, at The Dalles, Oreg.

This product was short weight.

**LABEL, IN PART:** "Caramels 'Plus'."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement which appeared on the label, "Net Weight One Pound," was false since it was incorrect; and the statement in the leaflet enclosed within the retail package, "the addition of various Vitamins and Minerals to protect your health by increasing your resistance to illness" was false and misleading in that it represented and suggested that use of the product would increase resistance to disease, whereas it would not; Section 403 (e) (2), the product was food in package form and its label failed to bear an accurate statement of the quantity of contents; Section 403 (j), the product was represented as a food for special dietary uses by man by reason of its vitamin A, vitamin B<sub>1</sub>, vitamin B<sub>2</sub>, vitamin D, calcium, magnesium, potassium, iron, and phosphorus content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins A, B<sub>1</sub>, B<sub>2</sub>, and D, the minerals, calcium, iron, and phosphorus, and the quantity of magnesium and potassium supplied by a specified quantity of the product customarily or usually consumed during a period of 1 day; and it failed to bear a statement that the need for magnesium in human nutrition has not been established.

DISPOSITION: September 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6790. Misbranding of Curley vitamin tablets. U. S. v. 102 Bottles of Curley Cal-Pans Vitamins and 102 Bottles of Curley Bu-T-Caps Vitamins. Default decree of condemnation and destruction.** (F. D. C. No. 10013. Sample Nos. 20488-F, 20489-F.)

**LIBEL FILED:** May 27, 1943, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about April 21, 1943, from Philadelphia, Pa., by the Curley Distributing Co.

**PRODUCT:** 102 bottles of Curley Cal-Pans Vitamins and 102 bottles of Curley Bu-T-Caps Vitamins, each bottle containing 30 tablets, at Boston, Mass.

**LABEL, IN PART:** (Cal-Pans) "Calcium Pantothenate 10 Mgm. each"; (Bu-T-Caps) "Vitamin A \* \* \* 5,000 USP Units Vitamin D (Viosterol) \* \* \* 1,000 USP Units Vitamin C (Ascorbic Acid) \* \* \* 500 USP Units Vitamin B<sub>1</sub> (Thiamin Chloride) \* \* \* 500 USP Units Vitamin B<sub>2</sub> (Riboflavin) \* \* \* 1,000 Gamma Vitamin B<sub>6</sub> (Pyridoxine) \* \* \* 200 Gamma Calcium Pantothenate \* \* \* 1,000 Gamma Nicotinic Acid \* \* \* 20 Mgm."

**VIOLATIONS CHARGED:** Cal-Pans Vitamins, misbranding, Section 403 (a), certain statements appearing on a display card entitled "Does Gray Hair Worry You?," and in circulars entitled "Vitamins The Way to Health and Beauty," and "Big Profits for Beauty Shops," were false and misleading since they represented and suggested that the article was effective in preventing the graying of hair or in restoring natural color to gray hair, whereas it was not so effective.

Bu-T-Caps Vitamins, misbranding, Section 403 (a), certain statements appearing in the aforesaid display card and in the aforesaid circulars were false and misleading since they represented and suggested that the article was effective in insuring good health, beauty, and good complexion, or in preventing and correcting such disease conditions or abnormalities as poor teeth, retardation of growth, skin lesions, dry and wrinkled skin, brittle nails, lifeless hair, loss of appetite, liver and kidney ailments, susceptibility to infections, boils, abscesses, night blindness, body malformation, fatigue, loss of appetite, alimentary tract dysfunctions and resultant anemia, neuritis, alcoholic neuritis, beriberi and pellagra, irritability and nervousness, palpitation and enlarged heart, murmurs, difficult breathing, malnutrition, retarded convalescence,